



Office of the City Clerk-Treasurer  
301 W. Chestnut  
Rogers, Arkansas 72756  
479-621-1117  
[www.rogersar.gov](http://www.rogersar.gov)

**COMMITTEE SCHEDULE**

TO: MAYOR  
CITY COUNCIL  
DEPARTMENT HEADS  
PRESS

FROM: PEGGY DAVID, CITY CLERK-TREASURER

DATE: February 7, 2019

The following committee meetings will be held on **Tuesday, February 12, 2019** prior to the City Council Meeting:

**5:30 p.m. – COMMUNITY SERVICE COMMITTEE:** (Brashear, Hayes and Kruger)  
**Committee Room #1**

To Discuss: (a) A Resolution Authorizing a Contract with NWA Entertainment, LLD in the Amount of \$35,000 for the City’s 2019 July Fourth Fireworks Display

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**5:45 p.m. – COMMUNITY ENVIRONMENT & WELFARE COMMITTEE:** (Carmichael, Townzen and Hayes) **Committee Room #1**

To Discuss: (a) An Ordinance Amending Section 44-6(h) of the City of Rogers Code of Ordinances, Concerning the Grandfather Clause for Certain Regulations Relating to Nonconforming, Obsolete, and Unpermitted Signs

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**6:00 p.m. - TRANSPORTATION COMMITTEE:** (Kruger, Townzen and Carmichael)  
**Community Room #1**

To Discuss: (a) Street Closing Request from Providence Christian Academy for the Providence Patriot 5K Run on March 9, 2019

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(b) Street Closing Request from Susan G. Komen Ozark Affiliate for the Susan G. Komen Ozark MORE THAN PINK Walk on April 27, 2019

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(c) A Resolution Amending the 2019 Budget; Appropriating \$82,740 from Airport Fund Reserves into Acct. #315-15-81137; Authorizing Two Contract Amendments with Garver, LLC of North Little Rock, AR for Design and Bid Phase Services Associated with the Reconstruction of an Airport Taxiway at the Rogers Executive Airport for an Amount Not to Exceed \$74,240; Authorizing a Contract with DBE Plans and Goals Preparation Services of Weatherford, TX for an Amount Not to Exceed \$8,500 for Preparation of a DBE Program and Goals

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**6:00 p.m. - FINANCE COMMITTEE:** (Reithemeyer, Wolf, and Kendall) **Committee Room #2**

- To Discuss:
- (a) A Resolution Authorizing a Contract with USACI, Corp. of Plano, TX for the Purchase of a Tegile Storage Unit for Use by the City of Rogers Information Technology Dept.; Amending the 2019 Budget to Appropriate From General Fund Reserves the Amount of \$12,318 to Acct. #100-09-80100

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  - (b) An Ordinance Waiving Competitive Bidding for a Vehicle Purchase from Crain Kia of Bentonville, Arkansas, for Use by the City Of Rogers

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**6:15 p.m. – PUBLIC SAFETY COMMITTEE:** (Wolf, Kruger and Carmichael) **Committee Room #1**

- To Discuss:
- (a) A Resolution Authorizing a Contract with Caddell Construction Co, LLC of Bentonville, AR for the Construction Management Services During the Design and Construction of the Rogers Police Department's Emergency Dispatch Center

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  - (b) A Resolution Authorizing a Contract with Core Architects, Inc. of Rogers, AR for Architectural Design Services for the Design of the Rogers Police Department's Emergency Dispatch Center

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**ROGERS CITY COUNCIL**

**AGENDA**

**FEBRUARY 12, 2019**

**6:30 P.M.**

**PUBLIC FORUM:**

**INVOCATION & PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**ACTION ON MINUTES:** January 22, 2019

**REPORTS OF BOARDS AND STANDING COMMITTEES:**

1. RES. Re: Authorizing a Contract with USACI, Corp. of Plano, TX for the Purchase of a Tegile Storage Unit for Use by the City of Rogers Information Technology Dept.; Amending the 2019 Budget to Appropriate From General Fund Reserves the Amount of \$12,318 to Acct. #100-09-80100 - Finance Committee
2. ORD. Re: Waiving Competitive Bidding for a Vehicle Purchase from Crain Kia of Bentonville, Arkansas, for Use by the City Of Rogers - Finance Committee
3. RES. Re: Authorizing a Contract with NWA Entertainment, LLD in the Amount of \$35,000 for the City's 2019 July Fourth Fireworks Display - Community Services Committee
4. RES. Re: Authorizing a Contract with Caddell Construction Co, LLC of Bentonville, AR for the Construction Management Services During the Design and Construction of the Rogers Police Department's Emergency Dispatch Center - Public Safety Committee

# **ROGERS CITY COUNCIL AGENDA**

**FEBRUARY 12, 2019**

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5. RES. Re: Authorizing a Contract with Core Architects, Inc. of Rogers, AR for Architectural Design Services for the Design of the Rogers Police Department's Emergency Dispatch Center - Public Safety Committee
6. ORD. Re: Amending Section 44-6(h) of the City of Rogers Code of Ordinances, Concerning the Grandfather Clause for Certain Regulations Relating to Nonconforming, Obsolete, and Unpermitted Signs - Community Environment & Welfare Committee
7. RES. Re: Amending the 2019 Budget; Appropriating \$82,740 from Airport Fund Reserves into Acct. #315-15-81137; Authorizing Two Contract Amendments with Garver, LLC of North Little Rock, AR for Design and Bid Phase Services Associated with the Reconstruction of an Airport Taxiway at the Rogers Executive Airport for an Amount Not to Exceed \$74,240; Authorizing a Contract with DBE Plans and Goals Preparation Services of Weatherford, TX for an Amount Not to Exceed \$8,500 for Preparation of a DBE Program and Goals - Transportation Committee

### **OLD BUSINESS:**

1. ORD. Re: Rezone from R-DP to NBT, 604 N. 3<sup>rd</sup> Street (Dean and Nancy Eisma) Final Vote - Dirk Thibodaux

### **NEW BUSINESS:**

1. ORD. Re: Rezone from R-O to U-NBT and U-COM, the Northwestern 5.4 Acres of the Fields PUD (Hatfield Whalen Land, LLC) - Bill Watkins
2. ORD. Re: Rezone from R-DP to NBT, 404 N. 5<sup>th</sup> Street (Randy & Natalie McCrory) - Randy McCrory

**ROGERS CITY COUNCIL AGENDA**

**FEBRUARY 12, 2019**

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3. ORD. Re: Rezone from A-1 to N-R, 1.05 Acres at 1221 E. New Hope Road (Christ for the World) - Chuck Bell

**APPOINTMENTS:**

**ANNOUNCEMENTS:**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH USACI, CORP. OF PLANO, TEXAS, FOR THE PURCHASE OF A TEGILE STORAGE UNIT FOR USE BY THE CITY OF ROGERS INFORMATION TECHNOLOGY DEPARTMENT; AMENDING THE 2019 BUDGET TO APPROPRIATE FROM GENERAL FUND RESERVES THE AMOUNT OF TWELVE THOUSAND THREE HUNDRED EIGHTEEN DOLLARS (\$12,318.00) TO ACCOUNT NUMBER 100-09-80100 CAPITAL EXPENDITURES; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Rogers Information Technology Department has an emergent need to purchase Tegile Storage Unit from USACI, Corp. in Plano, Texas for data storage at the Rogers Police Department; and

**WHEREAS**, USACI, Corp., holds a state contract and has offered the City of Rogers the pricing set by the State of Arkansas procurement guidelines for state purchases.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:**

Section 1: The Mayor or his duly-designated representative may enter into contracts on behalf of the City to purchase a Tegile storage unit from USACI, Corp., with cost not to exceed twelve thousand three hundred eighteen dollars (\$12,318.00);

Section 2: The 2019 Budget is amended to appropriate twelve thousand three hundred eighteen dollars (\$12,318.00) from General Fund Reserves to Account Number 100-09-80100 Capital Expenditures;

Section 3 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Resolutions: All resolutions or orders of the City Council or parts of resolutions or orders of the City Council that are in conflict with this Resolution are repealed to the extent of such conflict.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**APPROVED:**

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
PEGGY DAVID, City Clerk  
Requested By: Ryan Breese, Director of Information Technology Department  
Prepared By: Bonnie Bridges, Staff Attorney  
For Consideration by the Finance Committee

**AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR A VEHICLE PURCHASE FROM CRAIN KIA OF BENTONVILLE, ARKANSAS, FOR USE BY THE CITY OF ROGERS; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Rogers has to periodically replace older vehicles used by city employees and city officials while conducting city business;

**WHEREAS**, Crain Kia of Bentonville, Arkansas, has offered the City a purchase price for a 2017 Toyota Prius that is within budget and that is comparable to the state contract pricing set by the state procurement office; and

**WHEREAS**, the total cost of the purchase of twenty-four thousand, nine hundred ninety-nine dollars (\$24,999.00) was approved and budgeted in the City of Rogers 2019 Budget.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:**

Section 1: There exists an exceptional circumstance whereby the requirements of competitive bidding are neither practical nor feasible and the City Council, therefore, waives the requirements of competitive bidding for purchase of a 2017 Toyota Prius from Crain Kia of Bentonville, Arkansas;

Section 2 - Emergency Clause: The need to acquire this vehicle is immediate and in order to protect the public peace, health, safety, and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval;

Section 3 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
PEGGY DAVID, City Clerk

Requested By: C. Greg Hines, Mayor  
Prepared By: Bonnie Bridges, Staff Attorney  
For Consideration by the Finance Committee

RESOLUTION NO. R-19-\_\_\_\_\_

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ROGERS AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH NWA ENTERTAINMENT, LLC IN THE AMOUNT OF THIRTY-FIVE THOUSAND DOLLARS (\$35,000.00) FOR THE CITY’S 2019 JULY FOURTH FIREWORKS DISPLAY; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Rogers annually provides a public fireworks display celebrating July Fourth;

**WHEREAS**, the NWA Entertainment, LLC previously provided the fireworks display in past years, including 2017, 2018, and has been deemed the most appropriate provider for 2019 as well;

**WHEREAS**, the 2019 contract terms and the 2019 contract amount of thirty-five thousand dollars (\$35,000.00) remain identical to that approved in 2018; and

**WHEREAS**, this expense is included in the 2019 Budget for the City of Rogers.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:**

Section 1: The Mayor may execute an agreement between with NWA Entertainment, LLC in an amount not to exceed thirty-five thousand dollars (\$35,000.00) for provision of the annual July Fourth Fireworks display;

Section 2 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Resolutions: All resolutions or orders of the City Council, or parts of resolutions or orders of the City Council, in conflict with this Resolution are repealed to the extent of such conflict.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
PEGGY DAVID, City Clerk

Prepared By: Bonnie Bridges, Staff Attorney  
Requested By: C. Greg Hines, Mayor of Rogers  
For Consideration by the Community Services Committee

RESOLUTION NO. R-19-\_\_\_\_\_

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH CADDELL CONSTRUCTION COMPANY, LLC, OF BENTONVILLE, ARKANSAS, FOR CONSTRUCTION MANAGEMENT SERVICES DURING THE DESIGN AND CONSTRUCTION OF THE ROGERS POLICE DEPARTMENT'S EMERGENCY DISPATCH CENTER; AND FOR OTHER PURPOSES.**

**WHEREAS**, in furtherance of the design and construction of the Rogers Police Department's Emergency Dispatch Center, the City of Rogers has selected Caddell Construction Company, LLC, of Bentonville, Arkansas to provide construction management services for the design and construction phases of the project; and

**WHEREAS**, funding for design and construction of the Rogers Police Department's Emergency Dispatch Center was approved by the voters as a part of the City of Rogers 2018 Bond Issue.

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:**

Section 1: The Mayor may enter into the contract with Caddell Construction Company, LLC, to provide construction management services for all applicable portions of the design and construction of the Rogers Police Department's Emergency Dispatch Center;

Section 2 - Severability Provision: In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Resolution shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Resolution as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Resolution shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein; and

Section 3 - Repeal of Conflicting Resolutions: All resolutions of the City Council, or parts of resolutions of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
PEGGY DAVID, City Clerk

Requested by: David Hook, Facilities Development Manager

Prepared by: Bonnie Bridges, Staff Attorney

For Consideration by the Public Safety Committee

RESOLUTION NO. R-19-\_\_\_\_\_

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH CORE ARCHITECTS, INC., OF ROGERS, ARKANSAS FOR ARCHITECTURAL DESIGN SERVICES FOR THE DESIGN OF THE ROGERS POLICE DEPARTMENT’S EMERGENCY DISPATCH CENTER; AND FOR OTHER PURPOSES.**

**WHEREAS**, in furtherance of the design and construction of Rogers Police Department’s Emergency Dispatch Center, the City of Rogers has selected Core Architects, Inc., of Rogers, Arkansas to provide architectural design services for the design and construction phases of the project; and

**WHEREAS**, funding for the design and construction of the emergency dispatch center was approved by the voters as a part of the City of Rogers 2018 Bond Issue.

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:**

Section 1: The Mayor may enter into a contract with Core Architects, Inc., to provide architectural design services for all applicable portions of the design and construction of the Rogers Police Department’s Emergency Dispatch Center;

Section 2 - Severability Provision: In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Resolution shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Resolution as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Resolution shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein; and

Section 3 - Repeal of Conflicting Resolutions: All resolutions of the City Council, or parts of resolutions of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

**RESOLVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
PEGGY DAVID, City Clerk  
Requested by: David Hook, Facilities Development Manager  
Prepared by: Bonnie Bridges, Staff Attorney  
For Consideration by the Public Safety Committee

**AN ORDINANCE AMENDING SECTION 44-6(h) OF THE CITY OF ROGERS CODE OF ORDINANCES, CONCERNING THE GRANDFATHER CLAUSE FOR CERTAIN REGULATIONS RELATING TO NONCONFORMING, OBSOLETE, AND UNPERMITTED SIGNS; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the language in the City of Rogers Code of Ordinances regarding the grandfather clause relating to nonconforming, obsolete, and unpermitted signs expired on December 31, 2018, before Arkansas Department of Transportation (“ARDOT”) completed the highway project in the area regulated; and

**WHEREAS**, the grandfather clause needs to be extended to allow ARDOT to complete the project before the regulations go into effect in the affected area.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:**

Section 1: That Section 44-6(h), of the Code of Ordinances, City of Rogers, Arkansas, is hereby amended and shall read as shown in Exhibit “A”, attached hereto and incorporated by reference as if set out word for word herein. Any other subsections of Section 44-6 that are not shown in Exhibit “A” shall remain unchanged and continue to be in force as previously adopted;

Section 2 - Emergency Clause: That the need to amend said code is immediate and in order to protect the public peace, health, safety, and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval;

Section 3 - Severability Provision: In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable, or unconstitutional provision or provisions had never been contained herein; and

Section 4 - Repeal of Conflicting Ordinances and Resolutions: All ordinances, resolutions, or orders of the City Council, or parts of ordinances, resolutions, or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
PEGGY DAVID, City Clerk

Requested by: John McCurdy, Director of Community Development  
For Consideration by the Community Environment & Welfare Committee

## **EXHIBIT “A”**

Sec. 44-6. - General regulations.

(h) Nonconforming, obsolete, and unpermitted signs.

(1) Except as provided under subdivision (h)(2) of this section, signs which were lawful at the time of their construction or placement but are not in conformance with current regulations shall be permitted to be maintained as nonconforming signs until such time that the sign is replaced with new sign copy or with a change of use of the site. At that time, the sign shall be replaced with a sign compliant with these regulations.

(2) This exception in this subdivision (h)(2) of this section shall no longer apply after December 31, 2019. The owner of a multitenant sign that is located on the section of Walnut Street beginning at the east side of Dixieland Road and extending east to Eighth Street in the city of Rogers that would be required to restructure or rebuild their sign under this section may change individual tenant sign panels on the multitenant sign, if he or she first obtains a permit to do so. On and after January 1, 2020, any change of sign copy will require that the sign come into compliance with all aspects of this section.

RESOLUTION NO. R-19-\_\_\_\_\_

**A RESOLUTION AMENDING THE 2019 BUDGET; APPROPRIATING THE SUM OF EIGHTY-TWO THOUSAND SEVEN HUNDRED FORTY DOLLARS (\$82,740.00) FROM AIRPORT FUND RESERVES INTO ACCOUNT #315-15-81137 CAPITAL PROJECT 37; AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO TWO CONTRACT AMENDMENTS WITH GARVER, LLC, OF NORTH LITTLE ROCK, ARKANSAS, FOR DESIGN AND BID PHASE SERVICES ASSOCIATED WITH THE RECONSTRUCTION OF AN AIRCRAFT TAXIWAY AT THE ROGERS EXECUTIVE AIRPORT FOR AN AMOUNT NOT TO EXCEED SEVENTY-FOUR THOUSAND TWO HUNDRED FORTY DOLLARS (\$74,240.00); AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH DBE PLANS AND GOALS PREPARATION SERVICES OF WEATHERFORD, TEXAS, FOR AN AMOUNT NOT TO EXCEED EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$8,500.00) FOR PREPARATION OF A DBE PROGRAM AND GOALS; AND FOR OTHER PURPOSES.**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:**

Section 1: That the sum of eighty-two thousand seven hundred forty dollars (\$82,740.00) is hereby appropriated from Airport Fund Reserves into Account #315-15-81137 Capital Project 37;

Section 2: That the Mayor and City Clerk may enter into a contract amendment with Garver, LLC, for design and bid phase services associated with the reconstruction of an aircraft taxiway and related improvements at the Rogers Executive Airport for an amount not to exceed sixty-two thousand five hundred fifty dollars (\$62,550.00);

Section 3: That the Mayor and City Clerk may enter into a contract amendment with Garver, LLC, for design and bid phase services associated with the reconstruction of an aircraft taxiway and related improvements at the Rogers Executive Airport for an amount not to exceed eleven thousand six hundred ninety dollars (\$11,690.00);

Section 4: That the Mayor and City Clerk may enter into a contract with DBE Plans and Goals Preparation Services, for preparation of a Disadvantaged Business Enterprise (DBE) plan and goals for the Rogers Executive Airport for an amount not to exceed eight thousand five hundred dollars (\$8,500.00);

Section 5: That the sum not to exceed seventy-four thousand two hundred forty dollars (\$74,240.00) shall be paid to Garver, LLC from Account #315-15-81137 Capital Project 37;

Section 6: That the sum not to exceed eight thousand five hundred dollars (\$8,500.00) shall be paid to DBE Plans and Goals Preparation Services from Account #315-15-81137 Capital Project 37;

Section 7: That execution of said contract amendments with Garver, LLC shall be contingent upon the approval of the Federal Aviation Administration, as may be required.

Section 8 - Severability Provision: In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Resolution shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Resolution as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Resolution shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 9 - Repeal of Conflicting Resolutions: All resolutions of the City Council, or parts of resolutions of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

**RESOLVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
PEGGY DAVID, City Clerk

Requested by: David Krutsch, Airport Manager  
Prepared by: Bonnie Bridges, Senior Staff Attorney  
For Consideration by the Transportation Committee

ORDINANCE NO. \_\_\_\_\_  
CITY OF ROGERS, ARKANSAS

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING  
CERTAIN LANDS FROM R-DP TO NBT, PROVIDING FOR  
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, the City Council has found that certain lands hereinafter described are better suited for NBT than R-DP zoning.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

SECTION 1: That Section 14-675 of the code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as NBT and that said lands being in Benton County, Arkansas, are described as:

**LEGAL DESCRIPTION:** Lot 9, Block 2, Barnett's Addition.

**LAYMAN'S DESCRIPTION:** 604 N 3<sup>rd</sup> Street.

SECTION 3: That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

Section 4: Severability Provision- In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 5: Repeal of Conflicting Ordinances and Resolutions- All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

ROGERS, ARKANSAS

APPROVED:

ATTEST:

\_\_\_\_\_  
PEGGY DAVID, CLERK

\_\_\_\_\_  
C. GREG HINES, MAYOR

ORDINANCE NO. \_\_\_\_\_  
CITY OF ROGERS, ARKANSAS

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING  
CERTAIN LANDS FROM R-O, TO U-NBT AND U-COM PROVIDING FOR  
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, the City Council has found that certain lands hereinafter described are better suited for U-NBT and U-COM zoning.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

SECTION 1: That Rogers Code Section 14-675 should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as U-COM and U-NBT, and that said lands being in Benton County, Arkansas, are described as:

**PROPERTY DESCRIPTION:**

**Property to be zoned U-NBT:**

All that part of Lot 2 of a Property Line Adjustment recorded in Plat Book 2016, Page 86, Circuit Clerk's Office, Benton County, Arkansas, lying in the Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4) of Section 20, Township 19 North, Range 30 West of the Fifth Principal Meridian, being more particularly described as follows:

BEGINNING at the Southeast corner of Lot 2 of Beau Chene Farms, A subdivision recorded in Plat Book 18, Page 28; Thence N03° 43' 49"E, 278.96 feet to the Northwest corner of said Lot 2, Plat Book 2016, Page 86; Thence S89° 17' 17"E, 300.42 feet; Thence S03°43'49"W, 519.01 feet; Thence N49°29'39"W, 374.54 feet, to the POINT OF BEGINNING. Containing 2.75 acres, more or less.

**Property to be zoned U-COM:**

All that part of Lot 2 of a Property Line Adjustment recorded in Plat Book 2016, Page 86, Circuit Clerk's Office, Benton County, Arkansas, lying in the Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4) of Section 20, Township 19 North, Range 30 West of the Fifth Principal Meridian, being more particularly described as follows:

Commencing at the Southeast corner of Lot 2 of Beau Chene Farms, A subdivision recorded in Plat Book 18, Page 28; Thence N 03° 43' 49" E, 278.96 feet to the Northwest corner of said Lot 2, Plat Book 2016, Page 86; Thence S 89° 17' 17" E, 300.42 feet to the POINT OF BEGINNING; Thence continuing S89°17'17"E, 97.44 feet; Thence S 00° 42' 43" W, 144.39 feet; Thence S 25° 44' 00" E, 360.41 feet; Thence Southwest, 274.70 feet along a 330.00 foot radius non-

tangent curve left, whose chord bears S 37° 30' 41" W, 266.84 feet; Thence Northwest, 77.42 feet along a 128.63 foot radius non-tangent curve right, whose chord bears N 80° 24' 46" W, 76.26 feet; Thence N 63° 10' 13" W, 91.50 feet; Thence N 27° 49' 47" E, 108.00 feet; Thence N 49° 29' 37" W, 22.33 feet; Thence N03°43'49"E, 519.01 feet, to the POINT OF BEGINNING. Containing 2.65 acres, more or less.

**LAYMAN’S DESCRIPTION:** The Northwestern 5.4 acres of The Fields PUD

**SECTION 3: Zoning.** That the above described lands are better suited for U-COM and U-NBT than R-O zoning and same should be and are hereby zoned U-COM and U-NBT.

**SECTION 4: Emergency clause.** That because the City is herein zoning property which is subject to a present use and said use should be brought into conformity with the zoning laws of the City of Rogers, Arkansas, an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

**SECTION 5: Severability Provision.** In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

**SECTION 6: Repeal of Conflicting Ordinances and Resolutions.** All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

ROGERS, ARKANSAS

APPROVED:

ATTEST:

\_\_\_\_\_  
PEGGY DAVID, CLERK

\_\_\_\_\_  
C. GREG HINES, MAYOR

ORDINANCE NO. \_\_\_\_\_  
CITY OF ROGERS, ARKANSAS

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING  
CERTAIN LANDS FROM R-DP TO NBT, PROVIDING FOR  
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, the City Council has found that certain lands hereinafter described are better suited for NBT than R-DP zoning.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

SECTION 1: That Section 14-675 of the code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as NBT and that said lands being in Benton County, Arkansas, are described as:

Property to be zoned NBT:

Lot 8 and the South ½ of Lot 5, Block 1, Oakview Addition, Rogers, Benton County, Arkansas, as shown in Deed Record 31 at page 9.

**LAYMAN'S DESCRIPTION:** 404 N. 5<sup>th</sup> St.

SECTION 3: That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

Section 4: Severability Provision- In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 5: Repeal of Conflicting Ordinances and Resolutions- All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

ROGERS, ARKANSAS

APPROVED:

ATTEST:

\_\_\_\_\_  
PEGGY DAVID, CLERK

\_\_\_\_\_  
C. GREG HINES, MAYOR

ORDINANCE NO. \_\_\_\_\_  
CITY OF ROGERS, ARKANSAS

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING  
CERTAIN LANDS FROM A-1 TO NR, PROVIDING FOR  
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, the City Council has found that certain lands hereinafter described are better suited for NR than A-1 zoning.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

SECTION 1: That Section 14-675 of the code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as NR and that said lands being in Benton County, Arkansas, are described as:

Property to be zoned NR:

**A PART OF THE SW 1/4 OF THE SW 1/4, SECTION 17, TOWNSHIP 17 NORTH, RANGE 29 WEST, IN THE CITY OF ROGERS, BENTON COUNTY, ARKANSAS;**  
COMMENCING AT A POINT LOCATED 482.97 FEET S88°00'27"E OF THE SW CORNER OF THE SW ¼ OF THE SW 1/4 OF SAID DESCRIBED SECTION 17; THENCE S88°00'27"E 329.01 FEET; THENCE N01°32'27"E 25.00 FEET TO A POINT ON THE NORTHERN RIGHT OF WAY OF NEW HOPE ROAD; THENCE ALONG SAID RIGHT OF WAY N88°00'27"W 20.00 FEET TO THE POINT OF BEGINNING; THENCE N88°00'27"W 66.21 FEET; THENCE LEAVING SAID RIGHT OF WAY ALONG A CURVE TO THE RIGHT WITH A CURVE DISTANCE OF 31.32 FEET, RADIUS OF 20.00 FEET, AND CENTRAL ANGLE OF 89°44'16"; THENCE N01°43'49"E 45.80 FEET; THENCE ALONG A CURVE TO THE LEFT WITH A CURVE DISTANCE OF 96.31 FEET, RADIUS OF 425.00 FEET, AND CENTRAL ANGLE OF 12°59'02"; THENCE N11°15'13"W 143.98 FEET; THENCE ALONG A CURVE TO THE RIGHT WITH A CURVE LENGTH OF 77.48 FEET, RADIUS OF 375.00 FEET, AND CENTRAL ANGLE OF 11°50'15"; THENCE S88°00'27"E 137.60 FEET; THENCE S01°32'27"W 378.01 FEET TO THE POINT OF BEGINNING, CONTAINING 0.92 ACRES, MORE OR LESS, SUBJECT TO ANY KNOWN EASEMENTS OR RIGHTS OF WAY OR RECORD OR FACT.

**A PART OF THE SW 1/4 OF THE SW 1/4, SECTION 17, TOWNSHIP 17 NORTH, RANGE 29 WEST, IN THE CITY OF ROGERS, BENTON COUNTY, ARKANSAS;**  
COMMENCING AT A POINT LOCATED 482.97 FEET S88°00'27"E OF THE SW CORNER OF THE SW ¼ OF THE SW 1/4 OF SAID DESCRIBED SECTION 17; THENCE S88°00'27"E 329.01 FEET; THENCE N01°32'27"E 25.00 FEET TO A POINT ON THE NORTHERN RIGHT OF WAY OF NEW HOPE ROAD; THENCE ALONG SAID RIGHT OF WAY N88°00'27"W 20.00 FEET; THENCE N01°32'27"W 378.01 FEET; THENCE N88°00'27"W 137.60 FEET; THENCE ALONG A CURVE TO THE RIGHT WITH A CURVE DISTANCE OF 7.50 FEET, RADIUS OF 375.00 FEET, AND CENTRAL ANGLE OF 1°08'47"; THENCE N01°43'49"E 292.50 FEET TO THE POINT OF BEGINNING; THENCE N01°43'49"E 38.79 FEET; THENCE S88°16'11"E 145.74 FEET; THENCE S01°32'27"W 39.46 FEET; THENCE N88°00'27"W 145.87 FEET TO THE POINT OF BEGINNING, CONTAINING 0.13 ACRES, MORE OR LESS, SUBJECT TO ANY KNOWN EASEMENTS OR RIGHTS OF WAY OR RECORD OR FACT.

**LAYMAN'S DESCRIPTION: .42 ACRES, MORE OR LESS ON EAST NEW HOPE AND LONGVIEW DR**

SECTION 3: That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

**SECTION 4: Severability Provision-** In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

**SECTION 5: Repeal of Conflicting Ordinances and Resolutions-** All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

ROGERS, ARKANSAS

APPROVED:

ATTEST:

\_\_\_\_\_  
PEGGY DAVID, CLERK

\_\_\_\_\_  
C. GREG HINES, MAYOR